

SUPPORT FOR THE AMENDMENTS

The specification has been amended to recite a claim of priority to related International and U.S. patent applications, as set forth in the originally filed Application Data Sheet.

The present amendment cancels claim 36, and amends claims 35, 37-46 and 48.

Claims 35, 37-46 and 48 have been amended to place these claims in a better condition for allowance. Claim 35 has also been amended to require that the process steps be carried out in sequential order, as well as to incorporate therein process parameter limitations pertaining to temperature and time (See e.g., specification at page 13, lines 5-9, and page 19, lines 3-8).

Support for these amendments is provided by the originally filed claims and specification. It is believed that these amendments have not resulted in the introduction of new matter.

REMARKS

Claims 35 and 37-48 are currently pending in the present application. Claims 47 and 48 stand withdrawn from consideration by the Examiner as being directed to a non-elected invention. Claims 35, 37-46 and 48 have been amended to place these claims in a better condition for allowance. Claim 35 has also been amended to require that the process steps be carried out in sequential order, as well as to incorporate therein process parameter limitations pertaining to temperature and time.

Applicants respectfully request reconsideration of the withdrawal of claims 47 and 48 from consideration by the Examiner. The following two criteria must be met in order for a restriction requirement to be proper: (1) the claimed inventions must be independent or distinct; and (2) there must be a serious burden on the examiner if restriction is not required. See MPEP § 803(I). Applicants respectfully submit that neither of these criteria have been met and thus the restriction requirement and the withdrawal of claims 47 and 48 was improper.

The Official Action dated March 19, 2008, states on pages 2 and 3 that claims 47 and 48 are independent or distinct from the originally claimed invention and are therefore withdrawn from consideration as being directed to a non-elected invention. Contrary to the Official Action however, the subject matter presented in claims 47 and 48 finds clear support in original claim 34. As a result, claims 47 and 48 are not directed to an invention that is independent or distinct from the invention originally claimed.

By virtue of having issued a first Official Action rejecting original claim 34, it is reasonable to conclude that claims 47 and 48 have already been treated on their merits with respect to patentability. Accordingly, further examination of claims 47 and 48 would not impose a serious burden on the Examiner once the restriction requirement and the withdrawal of claims 47 and 48 is vacated.

Applicants respectfully request that the Examiner vacate the withdrawal of claims 47 and 48 and either place these claims in condition for allowance, or further examine these claims on their merits for patentability.

The rejection of claims 35-46 under 35 U.S.C. § 103(a) as being obvious over Hasenzahl '112 (U.S. Patent 6,054,112) in view of Hasenzahl '430 (U.S. Patent 5,919,430) is obviated by amendment, with respect claims 35 and 37-48, which requires that the process steps be carried out in sequential order and incorporates therein particular process parameter limitations pertaining to temperature and time.

Amended claim 35 recites a process for producing a catalytic material in the form of a shaped body comprising at least one zeolite comprising at least one titanium silicalite and being at least partly crystalline, wherein the process comprises in sequential order: (I) at least partial crystallization of at least one solid material comprising at least one titanium silicalite in a synthesis mixture to produce a mixture (I) comprising at least the solid material and a mother liquor; (II) separating and/or concentrating of the solid material in the mixture (I) obtained from the at least partial crystallization (I); (C) calcining the solid material obtained from the separating and/or concentrating (II) to produce a calcined solid material; (W) washing the calcined solid material obtained from the calcining (C) with deionized water at a temperature of 120-175°C; (S) shaping the calcined solid material obtained from the washing (W) to produce a shaped body and drying the shaped body at a temperature of 30-140°C for a period of 1-20 hours; and (C) calcining the shaped body at a temperature of 400-800°C for a period of 3-10 hours; wherein the separating and/or concentrating (II) of the solid material is carried out by a method selected from the group consisting of filtration, ultrafiltration, diafiltration, centrifugation, spray drying and spray granulating, and wherein the shaping (S) of the calcined solid material is carried out by a method selected from the group consisting of pelleting, pressing, extruding, sintering, roasting and briquetting.

As acknowledged on page 5, lines 4 and 5, of the Official Action, Hasenzahl '112 fails to describe when the shaping step is conducted (See e.g., column 4, lines 8-15). Contrary to page 5, lines 8-10, of the Official Action, Hasenzahl '430 fails to describe that “the material may be shaped before, during or after calcinations, and before or after the washing steps.”

Unlike the claimed invention, Hasenzahl '112 and Hasenzahl '430 fail to describe the claimed process, which includes the following steps that are carried in the following order and under the following conditions: (W) *washing* the calcined solid material with deionized water *at a temperature of 120-175°C*; (S) *shaping* the calcined solid material to produce a shaped body and *drying* the shaped body *at a temperature of 30-140°C for a period of 1-20 hours*; and (C) *calcining* the shaped body *at a temperature of 400-800°C for a period of 3-10 hours*.

Therefore, Hasenzahl '112 and Hasenzahl '430, when considered alone or in combination, fail to disclose or suggest conducting the process steps in the specific order and under the particular temperature and time limitations, as presently claimed. As a result, Hasenzahl '112 and Hasenzahl '430, when considered alone or in combination, fail to anticipate or render obvious the presently claimed process.

Assuming *arguendo* that sufficient motivation and guidance is considered to have been provided by Hasenzahl '112 and Hasenzahl '430 to direct a skilled artisan to conduct the process steps in the specific order and under the particular temperature and time limitations, as presently claimed, which is clearly not the case, such a case of obviousness is rebutted by a showing of unexpected results.

As discussed in the present specification and evidenced by the comparative experimental data presented therein, Applicants have discovered that superior catalytic properties, with respect to selectivity, for example, are surprisingly exhibited by the claimed

catalytic material produced by the process of the present invention, as compared to the inferior properties exhibited by traditional catalytic materials produced by conventional processes, which do not conduct the process steps in the specific order and under the particular temperature and time limitations, as presently claimed (See e.g., page 2, lines 11-18 and 32-33, page 3, lines 1-4, page 23, lines 22-32, and page 24, lines 1-2).

Withdrawal of this ground of rejection is respectfully requested.

The rejection of claim 45 under 35 U.S.C. § 112, second paragraph, is obviated by amendment. Withdrawal of this ground of rejection is respectfully requested.

In conclusion, Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

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